REMARKS

Claims 70 and 72-78 are all the claims pending in the application.

I. Information Disclosure Statement

Regarding the PTO-1449 form submitted with the Information Disclosure Statement filed on February 15, 2001, Applicants note that while the Examiner signed at the bottom of sheet 2 of the PTO-1449 form, the Examiner did not initial next to the references listed thereon. For the Examiner's convenience, Applicants are enclosing herewith a copy of sheet 2 of the above-noted PTO-1449 form. Applicants kindly request that the Examiner initial next to each of the references listed thereon and return the initialed and signed form with the next Office paper.

II. Double Patenting Rejection

Claims 70 and 72-78 were rejected under the judicially created doctrine of double patenting as being unpatentable over claims 1-12 of U.S. Patent No. 6,359,846 ("the '846 patent").

In the Office Action, the Examiner asserts that the applicant did not point out the differences between the claimed invention and the claims of the '846 patent (see Office Action at page 3).

In response, Applicants point out that the feature recited in independent claims 70, 73 and 76 drawn to "timing information" is not recited in the claims of the '846 patent. For example, Applicants note that claim 70 recites the feature of "timing information including at least one of first information for determining a rising edge position of a first pulse of said drive pulses, and second information for determining a trailing edge position of a last pulse of said drive pulses." Similar recitations regarding the "timing information" are found in independent claims 73 and 76.

Applicants respectfully submit that claims 1-12 of the '846 patent do not include any limitations drawn to "timing information" as recited in claims 70, 73 and 76 of the present application. Accordingly, as claims 1-12 of the '846 patent do not recite features drawn to

"timing information", Applicants respectfully request that the double patenting rejection of claims 70 and 72-78 be reconsidered and withdrawn.

In addition, in the Office Action, the Examiner cites to *In re Schneller* and asserts that there is no apparent reason why applicant was prevented from presenting claims corresponding to those of the instant application during prosecution of the application which matured into a patent. Applicants respectfully submit that the facts of *In re Schneller* do not apply to the present application.

In this regard, Applicants note that MPEP § 804(II)(B)(2) explicitly indicates that double patenting rejections based on *In re Schneller* are limited to the facts of that case and, therefore, that such rejections will be rare. Moreover, the MPEP indicates that if a double patenting rejection is made based on *In re Schneller*, then the Examiner is required to obtain approval of such a rejection from the Technology Center Director before the rejection is made.

In particular, MPEP § 804(II)(B)(2) sets forth the following with respect to rejections based on *In re Schneller*:

> The decision in *In re Schneller* did not establish a rule of general application and thus is limited to the particular set of facts set forth in that decision. The court in *Schneller* cautioned "against the tendency to freeze into rules of general application what, at best, are statements applicable to particular fact situations." *Schneller*, 397 F.2d at 355, 158 USPQ at 215. Nonstatutory double patenting rejections based on *Schneller* **will be rare**. The Technology Center (TC) Director must approve any nonstatutory double patenting rejections based on *Schneller*. If an examiner determines that a double patenting rejection based on *Schneller* is appropriate in his or her application, the examiner should first consult with his or her supervisory patent examiner (SPE). If the SPE agrees with the examiner then approval of the TC Director must be obtained before such a nonstatutory double patenting rejection can be made.

As noted above, Applicants respectfully submit that the facts of *In re Schneller* are not applicable to the present application. Accordingly, Applicants kindly request that the double patenting rejection of claims 70 and 72-78 be withdrawn. If the Examiner maintains the rejection based on *In re Schneller*, Applicants request that the Examiner explicitly identify that approval for such a rejection was obtained from the Examiner's SPE and TC director.

III. Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may best be resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

Respectfully submitted,

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August 17, 2005

FORM PTO 1449 *(modified)*

U.S. DEPARTMENT OF COMMERCE
PATENT AND TRADEMARK OFFICE

LIST OF REFERENCES CITED BY APPLICANT(S)
(Use several sheets if necessary)

Date Submitted to PTO: February 15, 2001

ATTY DOCKET NO.	SERIAL NO.
2001_0160	NEW
APPLICANT	
Mamoru SHOJI et al.	
FILING DATE	**GROUP**
February 15, 2001	2635

U.S. PATENT DOCUMENTS

*EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
	AA						
	AB						
	AC						
	AD						
	AE						
	AF						
	AG						
	AH						
	AI						

FOREIGN PATENT DOCUMENTS

		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION YES	TRANSLATION NO
	AJ	0749114	12-18-96	~~EP~~			X	
	AK	7-93754	4-7-95	JAPAN			abstract	
	AL	61-243974	10-30-86	JAPAN			abstract	
	AM	97/14143	4-17-97	WO			abstract	
	AN	08287465	11-1-96	JAPAN			abstract	

OTHER DOCUMENT(S) *(Including Author, Title, Date, Pertinent Pages, Etc.)*

	AO	
	AP	
	AQ	

EXAMINER	Nabil Hindi	DATE CONSIDERED	12/05/03

**EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.*